

**Assembly Bill No. 2432**

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Passed the Assembly August 25, 2010

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*Chief Clerk of the Assembly*

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Passed the Senate August 23, 2010

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Article 5 (commencing with Section 114289) to Chapter 9 of Part 7 of Division 104 of the Health and Safety Code, relating to food facilities.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2432, John A. Pérez. Food facilities: prepackaged nonpotentially hazardous foods.

Existing law, the California Retail Food Code, provides for the regulation of health and sanitation standards for retail food facilities, including mobile food facilities and satellite food service, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor.

This bill would, notwithstanding any provision of law to the contrary, exempt a permanent food facility that has less than 300 square feet of display area and that sells only prepackaged food that is not potentially hazardous food, from the requirements of the California Retail Food Code, except for prescribed provisions, and would permit the enforcement agency to recover investigation and enforcement costs.

*The people of the State of California do enact as follows:*

SECTION 1. Article 5 (commencing with Section 114289) is added to Chapter 9 of Part 7 of Division 104 of the Health and Safety Code, to read:

Article 5. Prepackaged Nonpotentially Hazardous Foods

114289. (a) Notwithstanding any provision of law to the contrary, a permanent food facility that has less than 300 square feet of display area and that sells only prepackaged food that is not potentially hazardous food shall be exempt from the requirements of this part except as set forth in subdivision (b).

(b) (1) A permanent food facility with a food display area of 25 square feet or less shall comply with all of the following:

(A) Sections 113980, 114047, 114049, 114390, 114393, 114395, 114397, and 114399.

(B) Chapter 1 (commencing with Section 113700).

(C) Chapter 2 (commencing with Section 113728).

(2) A permanent food facility with a food display area greater than 25 square feet, but less than 300 square feet, shall comply with all of the following:

(A) Sections 113980, 114047, 114049, 114250, 114266, 114381, 114387, 114390, 114393, 114395, 114397, 114399, 114405, 114407, 114409, 114411, and 114413.

(B) Chapter 1 (commencing with Section 113700).

(C) Chapter 2 (commencing with Section 113728).

114289.5. The enforcement agency may recover the costs of investigation and enforcement of this article.

Approved \_\_\_\_\_, 2010

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*Governor*